

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2009

CORAM:

THE HONOURABLE MR. JUSTICE R.SUDHAKAR

W.P.NO. 2500 of 2007
and W.P. M.P.No.2837 of 2004

.....

1.M.Sundaram.

2.V.Durairaj.

3.N.Nagarajan.

4.M.Natarajan.

5.P.Murugesan.

6.P.Kanagasundaram.

7.M.M.Periyasamy.

8.S.Murugesan. ...Petitioners.

Vs.

Managing Director,
Tamil Nadu State Transport
Corporation (Salem Division-I) Ltd.,
Salem-636 007. ...Respondent.

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to allow the petitioners to continue in service as Driver/Conductor and regularise them conferring the permanent status.

For Petitioners : Mr.Kuberan

For Respondent : Mr.L.S.M.Hasan Fizal
Government Advocate.

O R D E R

Eight petitioners, in this case, were sponsored by the employment exchange to the post of driver and conductor in the respondent Transport Corporation, and after completion of training, they were appointed on regular basis on various dates. However, all of sudden they were orally stopped and employment was denied in the year 2003. Similarly placed persons approached the court for confirmation and several batch of writ petitions were heard and disposed by a common order and the same was taken up on appeal.

2.The Division Bench of this Court came to the conclusion that the employees who were so appointed

are in the nature of retrenched worker and they are entitled to be re-employed. In the writ appeal, the Division Bench passed the following orders:

"(i) Writ appeals are allowed. The appellants are entitled similar orders/directions/observations as provided in para 14 of the order of the learned Single Judge dated 13.05.2003 in writ petition Nos. 11795 of 2003 etc., batch:

(ii) In view of the allowing of the Writ Appeals, the Writ Petitions, namely, Writ Petition Nos.31378, 31383, 31430 to 31433, 31499 to 31504, 31534 to 31539, 33870 to 33876 of 2005 are dismissed, as agreed to by Mr.D.Hariparanthaman:

(iii) (a) In other Writ Petitions direction is issued to the respondents-Transport Corporations to provide re-employment to the writ petitioners who completed 240 days in the respective Corporations and satisfied other conditions, if any, in accordance with Section 25-H of the Industrial Disputes Act in preference to new entrants.

(b) Those (writ petitioners) who worked less than 240 days shall also be given re-employment and their services will be regularised, only after completion of 240 days and subject to fulfilling other conditions, if any. Writ petitions are allowed on the above terms. No costs. Consequently, connected miscellaneous petitions are closed".

3. The counsel for the petitioner now states that pursuant to the order passed by the Division Bench the petitioners in the said cases including the present petitioners have been re-employed and continue to work in the respondent Transport Corporation. Therefore, the relief sought for in the writ petition has been granted and no further adjudication is required. Learned senior counsel for the petitioners, however, pleaded that at the time of reemployment, petitioners lost some service benefits. Petitioners would like to make a representation to the authority for remedy. Hence, he prays that the authority may be directed to consider their representation, if the petitioner made representation.

4. In view of the above, the writ petition requires no further adjudication and the same is dismissed as infructuous. As far as the further remedy as stated above, it is open to the petitioners to make representation to the appropriate authority and the authority may consider the same on merits and in accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

ra/vsm

To

Managing Director,
Tamil Nadu State Transport
Corporation (Salem Division-I) Ltd.,
Salem 636 007